

1859. Misbranding of Nembutal Capsules. U. S. v. Cottage Pharmacy and Peter P. Eacmen. Pleas of guilty. Each defendant fined \$200. (F. D. C. No. 17798. Sample Nos. 11354-H, 11355-H.)

INFORMATION FILED: February 19, 1946, District of Massachusetts, against Cottage Pharmacy, a partnership, Boston, Mass., and Peter P. Eacmen, a member of the partnership.

INTERSTATE SHIPMENT: Between the approximate dates of September 2 and December 7, 1944, from Chicago, Ill.

LABEL, WHEN SHIPPED: (Bottle) "100 Capsules Nembutal * * * (Pentobarbital Sodium, Abbott) Warning—May Be Habit Forming. Abbott 1½ grs. Caution—To be used only by or on the prescription of a physician or dentist."

NATURE OF CHARGE: That on or about February 15 and 21, 1945, the defendant removed the label described above from two bottles of the article, relabeled the bottles "Cottage Pharmacy Careful Prescriptionists * * * Use as directed," and disposed of the relabeled bottles of *Nembutal Capsules* to a certain individual.

The information charged further that the acts of the defendants resulted in the misbranding of the article in the following respects: Section 502 (d), the article contained a chemical derivative of barbituric acid, which derivative has been found to be and by regulations designated as habit forming, and the relabeled bottles of the article bore no label containing the name and quantity or proportion of such derivative and, in juxtaposition therewith, the statement "Warning—May be habit forming"; and, Section 502 (f) (1) (2), the relabeled bottles bore no labeling containing directions for use, and they bore no labeling containing warnings against use of the drug in those pathological conditions wherein its use might be dangerous to health, or against unsafe dosage or methods or duration of administration.

DISPOSITION: March 12, 1946. Pleas of guilty having been entered, the court imposed a fine of \$200 upon each defendant.

1860. Misbranding of Konjola. U. S. v. The Arner Co., Inc., and Rolla Lawry. Pleas of nolo contendere. Fines, \$250 against the corporate defendant and \$750 against the individual defendant. (F. D. C. No. 14313. Sample No. 39545-F.)

INFORMATION FILED: May 14, 1945, Western District of New York, against the Arner Co., Inc., Buffalo, N. Y., and Rolla Lawry.

ALLEGED SHIPMENT: On or about January 17, 1944, from the State of New York into the State of California.

PRODUCT: Examination disclosed that the product consisted essentially of an aqueous solution of vegetable extractive, including emodin, together with pepsin, glycerin, compounds of iron, calcium, and manganese, salicylate or salicylic acid, and, possibly, caramel.

NATURE OF CHARGE: Misbranding, Section 502 (a), certain statements on the label of the article and in circulars entitled "Here's A Simple Explanation of Why Millions Of Bottles of Konjola Have Been Bought By People From One End Of The Country To The Other," which circulars were shipped with the article, were false and misleading since the statements represented and suggested that the article would be effective as a tonic and digestive aid; that it would be effective other than as a laxative; that it would be effective in the treatment of indigestion, gas pains, bloating, digestive upset, intestinal sluggishness, run-down conditions caused by simple anemia, and rheumatism and neuritis pains caused by intestinal or digestive sluggishness; that it would help build rich blood; that it would be effective in relieving rheumatic and digestive pain and discomfort caused by accumulated wastes and poisons; that it would be effective to expel gas, deter gas formation, and reduce bloating; that it would be effective in treating weak stomachs; that it would sharpen the appetite; that it contained iron and pepsin in sufficient quantities to be effective as a tonic and digestive aid; and that it would be effective in treating simple anemia or rheumatic pains caused by intestinal sluggishness. The article would be effective only as a laxative, and it would not produce the effects represented and suggested.

Further misbranding, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use, since the directions which appeared on the label provided for the continued administration of a laxative; and, Section 502 (f) (2), the labeling of the drug failed to bear a warning that it should not be used when abdominal pain was present, and its labeling also failed